IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.42 OF 2007
IN
SUIT NO.1662 OF 2005

George P. Joseph ...Plaintiff
Vs.
Abdul Rashid Abdul Rehman Yusuf & Ors. ...Defendants

Mr.S.P.Nagvekar, Advocate for Applicant
Mr. V.M. Bhardwaj for Defendant Nos. 1 and 2

CORAM: SMT. ROSHAN DALVI, J.
DATED: 15TH FEBRUARY, 2007

P.C.

1. The Suit is filed for specific performance of the, agreement dated 25th April, 2003. The Defence in the suit is that the agreement has been terminated. The factum of termination of agreement has not been mentioned in the plaint, as it was not to the knowledge of the Plaintiffs.

2. The Plaintiffs now seek to contend that the letter of termination is void. This contention follows as a matter of corollary to the main relief in the Plaint.

3. The Chamber Summons is made absolute in terms of prayer (a).

4. The Plaintiff shall carry out amendment in the plaint within 2 weeks and also amend the copy of the plaint served upon the Defendants within 2 weeks.

(SMT.ROSHAN DALVI, J.)